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EXAMINER	
BHATIA, AJAY M	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/821,833	BRETCHER, JOHN T.	
	Examiner	Art Unit	
	AJAY BHATIA	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/6/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed 9/20/2010 have been fully considered but they are not persuasive. Applicant relies upon the affidavit which is ineffective therefore not persuasive.

For the affidavits see the discussion bellow.

Deficiencies with new reissue oath and previous reissue oath

Applicant has submitted a new oath that is outside the two year period for filing a broader application. The deficiencies of the prior art are provided bellow in the rejection, since the prior oath failed to identify a specific deficiency within the two year period. The objections made are currently pending as applicant notes at the federal circuit and therefore will be maintained till a decision is determined.

Recapture

The issue of recapture is related to if applicant is able to file the present application based upon the oath and therefore no decision will be made on this issue till a response is received.

Double Patent rejection is maintained

Applicant has not submitted a TD or replied to the double patenting rejection with a traversal, therefore the double patenting rejection. Should the case come in condition for allowance at that time, the case will not be allowable and maybe delayed due to the outstanding double patenting rejection.

Affidavit

Presently Filed affidavits

2/28/2007 – Declaration of Professor Lee Hollar – Addressing 112 enablement – addressed in action NF 4/16/2007

11/14/2008 – Declaration of Prior Invention in the United States to overcome the cited reference 1.31 [time line of activities] – Addressing to overcome the prior art rejection – addressed in NF deficiencies

11/14/2008 – Declaration of Prior Invention in the United States to overcome the cited reference 1.31 [insufficient evidence, to show conception, diligence, reeducation to practice] – Addressing to overcome the prior art rejection – addressed in NF deficiencies

4/8/2009 – BAPI decision ex Parte Daniel M. Eggert and Frank Mikic

4/8/2009 – Declaration of Prior Invention in the United States to overcome the cited reference 1.31 [timekeeping of client ID 00823 from 8/3/1995 to 5/17/1996, by John Rauch asserting time of Natalie Kadievitch] – addressed in NF dated 3/16/2010,

4/8/2009 – BAPI decision ex parte Franklin Bradshaw and Thomas Soderman

9/16/2010 – Declaration of Prior Invention in the United States to overcome the cited reference 1.31 [diligent by Bruce Edward Stockman] -

9/20/2010 – Declaration of Prior invention in the United States [Statement by John Bretscher stating that disclosure draft in March 15, 1996]

Deficiencies with the affidavit

Affidavits showing diligence

The evidence provided by Bruce Edward Stuckman seem to contradict a previously provided affidavit that asserts the presently field application was worked on by Natalie Kadievitch between 8/3/1995 to 5/17/1996. Bruce Edward Stuckman assert in item 4 (affidavit dated 4/8/2009), that he was hired to assist prior patent council of Natalie Kadievitch, but the prior affidavit by Natalie shows no further progress or work after the date hired on May 22nd as noted in item 5 (affidavit dated 4/8/2009). Additionally it appears no work was done between 5/17/1996 and 6/10/1996. Therefore there appears to be a gap in the work just to conduct a meeting to execute the formal papers, examiner does not think it is reasonable to take multiple weeks to execute formal papers. The affidavit does clarify if any additional work was done and does not say why formal papers could not have been executed shortly after 5/17/1996. According to MPEP 2138.06 “Reasonable Diligence” requires either affirmative acts or an acceptable excuse. Neither has been provided for the period between 5/17/1996 and 5/10/1996, examiner is aware that additional patent counsel was hired during this period that Natalie Kadievitch had previous worked on the case, but during the period no work was done. There also appears no reason why Natalie Kadievitch did not execute the formal paper work, therefore there appears to be a break in the diligence between supposed conception and constructive reduction to practice of filing.

Also there is the 2nd newly filed affidavit that also seems to add additional doubt, since it states that the daft of the patent application was completed March 15, 1996 therefore is seems unclear why it took approximately 3 months to complete "minor wording tweaks and punctuation not relevant to the substance," it would seem reasonable that if the application did not did substantive changes it would only required a few day before a formal application could be filed. Additionally this document does not server as a constructive reduction to practice since it has not been filed, see MPEP 2138.05. Additionally the invention is attesting to statement that that were made by his counsel and not the inventor, in the attached documents.

Therefore the filed affidavits fails to overcome the prior art date and the rejection is maintained.

Affidavits showing conception/actual reduction to practice

Affidavit dated 11/14/2008.

Examiner has stated before the prior affidavit attempting to claim actual reduction to practice? or conception? fails to show support for all the claims. Applicant has not show that the had possession of the invention reduced to practice or "the complete performance of the metal part of the inventive act." The all claims must be mapped to the affidavit to overcome the prior art rejection. Applicant also says the mapping is the same as the patent, but the document provided is not the same. Applicant also states that the statement "No test of the invention has yet been made but Ameritech is build a

fully functional prototype that may be operational by the end of August, 1995" does not mean the invention was not reduced to practice later. The examiner is aware of the possibility, but applicant has not shown any proof of this. The submission of the IDS documents shows the work of others and not of the inventor, therefore are not persuasive. If applicant intendeds to rely upon this document for conception it must be mapped to show 112 support for all the claims of the presently claimed invention. Therefore the filed affidavit fails to overcome the prior art date and the rejection is maintained.

Applicant is also attempting to rely upon the statements provided by inventor Bretscher that conception was on March 15, 1996 with the draft of the application of 30 pages, but the actual conception document is provided. Since the examiner is unable to determine if all the elements are supported thought of for conception examiner is not persuaded. Therefore the filed affidavit fails to overcome the prior art date and the rejection is maintained.

The affidavit filed on 10/14/2008 under 37 CFR 1.131 has been considered but is ineffective to overcome the Grimm reference.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Grimm references to either a constructive

reduction to practice or an actual reduction to practice. The time line provided in item #3, appears to be a mere pleading and not supported by any evidence.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Grimm references.

Applicant alludes to a reduction of practice but the affidavit, clear notes that it has not been reduced. On page 26 is state "No test of the invention has yet been made but Ameritech is building a fully functional prototype that may be operational by the end of August, 1995." This statement clear notes that the present invention was not reduced to practice and additional testing was still required. Statement #8 does not provide sufficient evidence that the invention was reduced to practice. It appears to be a pleading. Applicant has not submitted evidence of the reduction to practice, but portions of the specification and drawing of the present application, taken from column 8 of the specification.

Additionally, applicant has not mapped where support can be found for all the limitations presented in the evidence provided. For example claim 112 refers to common pathway, which no support in the evidence provided.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-29 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16-97 of copending Application No. 11/825,111. Although the conflicting claims are not identical, they are not patentably distinct from each other because Based upon remarks made by the applicant, the continuing application are directed to the same invention of connecting users to play games over a network on a server.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-29 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16-73 of copending Application No. 11/825,112. Although the conflicting claims are not identical, they are not patentably distinct from each other because Based upon remarks made by the applicant, the continuing application are directed to the same invention of connecting users to play games over a network on a server.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-29 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16-43 of copending Application No. 11/825,601. Although the conflicting claims are not identical, they are not patentably distinct from each other because Based upon remarks made by the applicant, the continuing application are directed to the same invention of connecting users to play games over a network on a server.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-29 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16-102 of copending Application No. 11/825,602. Although the conflicting claims are not identical, they are not patentably distinct from each other because Based upon remarks made by the applicant, the continuing application are directed to the same invention of connecting users to play games over a network on a server.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-29 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 45-125 of copending Application No. 11/254,216. Although the conflicting claims are not identical, they are not patentably distinct from each other because Based upon remarks made by the

applicant, the continuing application are directed to the same invention of connecting users to applications over a network on a server.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-29 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16-36, 55-80 of copending Application No. 11/493,940. Although the conflicting claims are not identical, they are not patentably distinct from each other because Based upon remarks made by the applicant, the continuing application are directed to the same invention of connecting users to play games over a network on a server.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Grimm et al. (U.S. Patent 5,828,843)

For claim 12, Grimm teaches, a computer system architecture for processing real-time applications, the architecture comprising:

a front-end server; (Grimm, Col. 2 lines 41-52, ,match maker)

a plurality of dedicated processors coupled to the front-end server so that the front-end server can communicate with at least one of the plurality of dedicated processors; (Grimm, Col. 2 lines 41-52, ,match maker)

a coupler communicating with the front-end server, the plurality of dedicated processors and a plurality of users, wherein one or more users communicates with the front-end server to select a selected application and the front-end server communicates with the plurality of users and at least one selected dedicated processor executes the desired application, the coupler including:

means for selecting at least one of the plurality of dedicated processors to execute the selected application; (Grimm, Col. 3 line 45 to Col. 4 line 30, launch application) and

means for decoupling a plurality of users from the front-end server and coupling the plurality of users to the at least one of the selected dedicated processors so that the plurality of users is communicating directly with the selected dedicated processors so that the plurality of users can participate in the execution of the selected application. (Grimm, Col. 12 lines 20-31, matcher maker no longer essential, Col. 7 line 65 to Col. 8 line 15, latency between server and clients)

For claim 13, Grimm teaches, the computer system of claim 12 further comprising a voice bridge configured to be coupled between one or more users of the plurality of

users and the at least one selected dedicated processor. (Grimm, Col. 9 lines 18-31, speech data)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11 and 14-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimm et al. (U.S. Patent 5,828,843) in view of Butterworth et al. (U.S. Patent 5,457,797).

For claim 1, Grimm teaches, a method for processing real-time applications, the method comprising:

providing a front-end server; (Grimm, Col. 2 lines 41-52, ,match maker)

providing a plurality of dedicated processors coupled to the front-end server so that the front-end server can communicate with at least one of the plurality of dedicated processors; (Grimm, Col. 2 lines 41-52, matched server)

selecting at least one of the plurality of dedicated processors to execute a selected application; (Grimm, Col. 3 lines 45-67, Col. 6 lines 16-50, launch game)

initiating communication between a plurality of users and the at least one of the selected dedicated processors so that the plurality of users can participate in the execution of the selected application; (Grimm, Col. 3 line 45 to Col. 4 line 30, match users)
executing the selected application at the at least one of the selected dedicated processors; (Grimm, Col. 3 line 45 to Col. 4 line 30, launch application) and
suspending communication between the plurality of users and the front end server. (Grimm, Col. 12 lines 20-31, matcher maker no longer essential, Col. 7 line 65 to Col. 8 line 15, latency between server and clients)

Grimm fails to clearly disclose, transferring the selected application from a memory device to the at least one of the plurality of dedicated processors for execution;

Butterworth teaches, transferring the selected application from a memory device to the at least one of the plurality of dedicated processors for execution; (Butterworth, Col. 6 lines 42-47, distributed application, Col. 6 lines 57-58, image server, Col. 7 lines 15-35, invoke, replicated)

Butterworth and Grimm are compatible (Butterworth, Col. 5 lines 35-40, run easily in a new environment)

Butterworth and Grimm are both in the field of network applications

It would be obvious to one of ordinary skill at the time of the invention to combine Grimm with Butterworth because Butterworth provides for a system with increase reliability. (Butterworth, Col. 5 lines 30-35)

For claim 2, Grimm-Butterworth teaches, a method according to claim 1 further comprising:

storing a plurality of applications in the memory device, the memory device being coupled to the front-end server; (Butterworth, Col. 6 lines 42-47, distributed application) and

at the front-end server, generating appropriate communication signals to download the selected application to the at least one of the plurality of dedicated processors. (Butterworth, Col. 6 lines 57-58, image server) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

For claim 3, Grimm-Butterworth teaches, a method according to claim 1 further comprising:

storing applications in a memory associated with each of the plurality of dedicated processors. (Butterworth, Col. 6 lines 57-58, image server) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 3.

For claim 4, Grimm-Butterworth teaches, a method according to claim 1 wherein selecting at least one of the plurality of dedicated processors includes polling the plurality of dedicated
processors by the front-end server to determine which one of the plurality of dedicated processors is available to execute the selected application before that application is downloaded to the selected dedicated processor. (Grimm, Col. 3 lines 5-20, application attributes)

For claim 5, Grimm-Butterworth teaches, a method according to claim 1 wherein selecting at least one of the plurality of dedicated processors includes the plurality of dedicated
processors communicating their status to the front-end server. (Grimm, Col. 3 lines 45-67, communicate attributes to match office)

For claim 6, Grimm-Butterworth teaches, a method according to claim 1 wherein the plurality of dedicated processors are heterogeneous. (Grimm, Col. 5 lines 30-45, matching server)

For claim 7, Grimm-Butterworth teaches, the method of claim 1 further comprising: providing a voice bridge between one or more users of the plurality of users. (Grimm, Col. 9 lines 18-31, speech data)

For claim 8, Grimm-Butterworth teaches, the method of claim 1 further comprising: providing a voice bridge between one or more users of the plurality of users and one or more processors of the plurality of dedicated processors. (Grimm, Col. 9 lines 18-31, speech data)

For claim 9, Grimm teaches, a method for processing real-time applications which may be executed by a plurality of users, the method comprising:

providing a front-end server that has access to a plurality of applications; (Grimm, Col. 2 lines 41-52, ,match maker)

providing a plurality of dedicated processors that communicate with the front-end server, the plurality of dedicated processor being inhomogeneous; (Grimm, Col. 5 lines 30-45, matching server, Col. 3 lines 6-20, application attributes)

receiving a message from at least one user of the plurality of users to the front-end server that the at least one user desires to have executed a particular application; (Grimm, Col. 3 line 42 to Col. 4 line 35, matches)

retrieving the particular application selected by the at least one user; (Grimm, Col. 3 line 42 to Col. 4 line 35, matches)

selecting a dedicated process that is of the appropriate type and capacity to run the particular application; (Grimm, Col. 3 line 42 to Col. 4 line 35, matches)

initiating communication between the plurality of users and the selected dedicated processor; (Grimm, Col. 12 lines 20-31, matcher maker no longer essential, Col. 7 line 65 to Col. 8 line 15, latency between server and clients) and

executing the particular application selected by the at least one user on the selected dedicated processor. (Grimm, Col. 3 line 45 to Col. 4 line 30, launch application)

Grimm fails to clearly disclose, downloading the particular application selected by the at least one user to a memory in the selected dedicated processor;

downloading the particular application selected by the at least one user to a memory in the selected dedicated processor; (Butterworth, Col. 6 lines 42-47, distributed application, Col. 6 lines 57-58, image server, Col. 7 lines 15-35, invoke, replicated)

Butterworth and Grimm are compatible (Butterworth, Col. 5 lines 35-40, run easily in a new environment)

Butterworth and Grimm are both in the field of network applications

It would be obvious to one of ordinary skill at the time of the invention to combine Grimm with Butterworth because Butterworth provides for a system with increase reliability. (Butterworth, Col. 5 lines 30-35)

For claim 10, Grimm-Butterworth teaches, the method of claim 9 further comprising: requesting at the front-end server status information from the plurality of dedicated processors; (Grimm, Col. 3 line 45 to Col. 4 line 30, match making) and

receiving the status information at the front-end server. (Grimm, Col. 3 line 45 to Col. 4 line 30, match making)

For claim 11, Grimm-Butterworth teaches, the method of claim 9 further comprising: after initiating communication between the plurality of users and the selected dedicated processor, suspending communication between the plurality of users and the front-end server so that the plurality of users are communicating directly with the selected dedicated processor. (Grimm, Col. 12 lines 20-31, matcher maker no longer essential)

For claim 14, Grimm fails to clearly disclose, an architecture according to claim 13 further comprising a memory coupled to the front-end server for storing a plurality of applications wherein the front-end server downloads a selected application to at least one of the plurality of dedicated processors.

Butterworth teaches, an architecture according to claim 13 further comprising a memory coupled to the front-end server for storing a plurality of applications wherein the front-end server downloads a selected application to at least one of the plurality of dedicated processors. (Butterworth, Col. 6 lines 42-47, distributed application, Col. 6 lines 57-58, image server, Col. 7 lines 15-35, invoke, replicated)

Butterworth and Grimm are compatible (Butterworth, Col. 5 lines 35-40, run easily in a new environment)

Butterworth and Grimm are both in the field of network applications

It would be obvious to one of ordinary skill at the time of the invention to combine Grimm with Butterworth because Butterworth provides for a system with increase reliability. (Butterworth, Col. 5 lines 30-35)

For claim 15, Grimm fails to clearly disclose, an architecture according to claim 13 further comprising a memory for each of the plurality of dedicated processors for storing applications.

an architecture according to claim 13 further comprising a memory for each of the plurality of dedicated processors for storing applications. (Grimm, Col. 6 lines 57-58, image server)

Butterworth and Grimm are compatible (Butterworth, Col. 5 lines 35-40, run easily in a new environment)

Butterworth and Grimm are both in the field of network applications

It would be obvious to one of ordinary skill at the time of the invention to combine Grimm with Butterworth because Butterworth provides for a system with increase reliability. (Butterworth, Col. 5 lines 30-35)

For claim 16, Grimm teaches, a method of processing an application, the method comprising:
providing a front-end server; (Grimm, Col. 2 lines 41-52, ,match maker)
providing a plurality of dedicated processors coupled to the front-end server; (Grimm, Col. 2 lines 41-52, ,match maker)
selecting an application; (Grimm, Col. 2 lines 41-52, ,match maker)
enabling communication between a user and the at least one of the dedicated processors such that the user can participate in the execution of the selected application; (Grimm, Col. 3 lines 45-67, Col. 6 lines 16-50, match making)
executing the selected application at the at least one of the dedicated processors; (Grimm, Col. 3 lines 45-67, Col. 6 lines 16-50, launch game) and
suspending communication between the user and the front end server. (Grimm, Col. 12 lines 20-31, matcher maker no longer essential, Col. 7 line 65 to Col. 8 line 15, latency between server and clients)

Grimm fails to clearly disclose, transferring the selected application to the at least one of the plurality of dedicated processors for execution;

Butterworth teaches, transferring the selected application to the at least one of the plurality of dedicated processors for execution; (Butterworth, Col. 6 lines 42-47, distributed application, Col. 6 lines 57-58, image server, Col. 7 lines 15-35, invoke, replicated)

Butterworth and Grimm are compatible (Butterworth, Col. 5 lines 35-40, run easily in a new environment)

Butterworth and Grimm are both in the field of network applications

It would be obvious to one of ordinary skill at the time of the invention to combine Grimm with Butterworth because Butterworth provides for a system with increase reliability. (Butterworth, Col. 5 lines 30-35)

For claim 17, Grimm-Butterworth teaches, a method according to claim 16, further comprising:
storing a plurality of applications; (Butterworth, Col. 6 lines 57-58, image server)
and at the front-end server, generating appropriate communication signals to transfer the selected application to the at least one of the plurality of dedicated processors by downloading an instance of a selected application. (Butterworth, Col. 6 lines 42-47, distributed application) The same motivation that was utilized in the rejection of claim 16, applies equally as well to claim 17.

For claim 18, Grimm-Butterworth teaches, a method according to claim 16, further comprising:
selecting at least one of the plurality of dedicated processors to execute the selected application. (Grimm, Col. 3 line 45 to Col. 4 line 30, launch application)

For claim 19, Grimm-Butterworth teaches, a method according to claim 18, wherein the selecting at least one of the plurality of dedicated processors includes polling the plurality of dedicated processors by the front-end server to determine which of the plurality of dedicated processors is available to execute the selected application before that application is transferred to the selected at least one of the plurality of dedicated processors. (Grimm, Col. 3 line 45 to Col. 4 line 30, match making)

For claim 20, Grimm-Butterworth teaches, a method according to claim 18, wherein the selecting at least one of the plurality of dedicated processors includes the plurality of dedicated processors communicating their status to the front-end server. (Grimm, Col. 3 line 45 to Col. 4 line 30, match making)

For claim 21, Grimm-Butterworth teaches, a method according to claim 16, wherein the dedicated processors are heterogeneous. (Grimm, Col. 2 line 55 to Col. 3 line 5, performance)

For claim 22, Grimm-Butterworth teaches, a method according to claim 16, further comprising:

enabling communication between at least one additional user and the at least one of the dedicated processors such that the user and the at least one additional user can participate in the execution of the selected application. (Grimm, Col. 3 line 45 to Col. 4 line 30, match making)

For claim 23, Grimm-Butterworth teaches, the method of claim 22, further comprising:

providing a voice bridge between the user and the at least one additional user to facilitate the voice communication. (Grimm, Col. 9 lines 18-31, speech data)

For claim 24, Grimm-Butterworth teaches, the method of claim 22, further comprising:

providing a voice bridge between the user and the at least one additional user and one or more processors of the plurality of dedicated processors to facilitate the voice communication. (Grimm, Col. 9 lines 18-31, speech data)

For claim 25, Grimm-Butterworth teaches, a method according to claim 16, wherein the front-end server authenticates a user name corresponding to said user selected application. (Grimm, Col. 3 line 45 to Col. 4 line 30, compatible before allowed to join, Col. 2 lines 60-67, skill, age)

For claim 26, Grimm-Butterworth teaches, a method according to claim 22, further including implementing a user profile for said user. (Grimm, Col. 2 lines 60-67, skill, age)

For claim 27, Grimm-Butterworth teaches, a method according to claim 16, wherein the selected application is a game application. (Grimm, Col. 9 lines 18-32, interactive game)

For claim 28, Grimm-Butterworth teaches, a method according to claim 22, wherein the selected application is a game application. (Grimm, Col. 9 lines 18-32, interactive game)

For claim 29, Grimm-Butterworth teaches, a method according to claim 25 further comprising:
executing an application on the front-end server; (Grimm, Col. 3 line 45 to Col. 4 line 30, match making)
and initiating communication between the user and the front-end server so that the user can participate in the execution of the application. (Grimm, Col. 3 line 45 to Col. 4 line 30, match making)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. Also any interview requests should be faxed directly to the examiner at (571)-273-3906. The examiner can normally be reached on M, T, H, F 9:00-3:30, Also please fax interview requests prior to filing a response to 571-273-3906.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Ajay Bhatia/

Primary Examiner, Art Unit 2445